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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,595	08/29/2003	Aidon Paul Jennery	SVL920030023US1	9285

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
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EXAMINER

DEBROW, JAMES J

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/651,595	Applicant(s) JENNERY ET AL.	
	Examiner James J. Debrow	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: Application filled on 14 Feb. 2006
2. Claims 1-27 are pending in this case. Claims 1, 10 and 19 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recites the term "*generating generates.....*" It is not clear to the examiner as what the "*generating*" is.

5. **Claim 3** recites the limitation "said generating" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3-5, 10, 12-14, 19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guedalia (Patent Number: 6,121,970; Patent Date: Sep. 19, 2000) in view of Applicant Admitted Prior Art ('AAPA').**

With regard to independent claim 1, Guedalia discloses a computer system for displaying interactive images on web pages. From the client's computer, the user is able to interactively view digital images within a HTML web page. The images are displayed on the HTML page (*first web page*) in view windows (column 12, lines 32-33; 12 in Fig 1). The user selects the view window of the image he/she wants to view by clicking the window with the mouse. This action sends a message to the server indicating which image the user is requesting to view. The embedded images are derived from image files residing on the server. When the server receives this message, it dynamically generates a new HTML page with a link to the embedded image, and sends the new HTML page (*second web page*) to the client's computer (column 4, lines 27-41; column 12, lines 32-35). Guedalia also discloses the message the client sends to the server

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indicating which image the user is requesting also contains the client's state information (*presentation format and behavior specifying at least one setting*), which includes the size and location of the view window (column 4, lines 58-59). It has been established, and admitted by the applicant in the related art description section of the specification, that all web pages possess presentation format and behavior attributes.

With regard to independent claim 10, claim 10 reflects the apparatus comprising computer readable instruction used for performing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Guedalia teaches a computer (20 in Fig 3).

With regard to independent claim 19, claim 19 reflects the article of manufacture comprising computer readable instructions used for performing the methods as claimed in claim 1, and in further view of the following is rejected along the same rationale. Guedalia teaches a computer, which typically contains storage devices, such as a diskette floppy drive, etc.(Fig 3).

With regard to dependent claims 3, 12, and 21, Guedalia does not disclose expressly, *invoking from the first web application, the second application to provide a second set of data, wherein said first generating generates the second web page comprising at least a subset of the second set of data having, at least in part, at least*

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one of the second presentation format and the second behavior in accordance with the at least one setting.

However, Guedalia does disclose that the server receives a message from the client containing client state information (column 4, lines 58-59). When the server receives this message, it dynamically generates a new HTML page with a link to the embedded image, and sends the new HTML page to the client's computer (column 4, lines 27-41; column 12, lines 32-35). At the time of the invention, it would have been obvious to a person of ordinary skill in the art that *presentation format and behavior information* could have been included in the client state information message in which the server used to generate a new HTML page. The motivation for doing so would have been that the server would have information concerning the client's computer, as well as the web page being requested without having to send the server multiple messages, which would speed up the process of displaying the new HTML page.

Therefore, it would also have been obvious to a person of ordinary skill in the art that if the second web page was generated based on some of the data describing the first web page, the first web page would *comprise of at least a subset of the second set of data having, at least in part, at least one of the second presentation format and the second behavior in accordance with the at least one setting* of the data describing the second web page.

With regard to dependent claims 4, 13, and 22, Guedalia discloses his invention uses view windows for displaying image data (column 5, lines 54-55). The view windows are located within the main HTML page (*second web page is displayed within the first web page*) the web site. Using the broadest interpretation of a web page, the examiner concludes that a view window is a form of web page.

With regard to dependent claims 5, 14, and 23, Guedalia discloses that when the server receives a message from the client requesting a web page, it dynamically generates a new HTML page (*outside the first web page*) with a link to the embedded image, and sends the new HTML page (*second web page*) to the client's computer (column 4, lines 27-41; column 12, lines 32-35).

8. Claims 2, 11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guedalia (Patent Number: 6,121,970; Patent Date: Sep. 19, 2000) in view of Applicant Admitted Prior Art ('AAPA'), further in view of Cragun et al. (Patent Number: 6,161,112; Date Of Patent: Dec. 12, 2000).

With regard to dependent claims 2, 11, and 20, As previous stated in independent claims 1, 10, and 19 rejection, Guedalia teaches the server receives client state information from the client, which includes size and location of the view window (column 4, lines 58-59). Guedalia does not disclose expressly *at least one setting causes the second presentation format and the second behavior to be substantially similar to the first presentation format and the first behavior, respectively.*

However, Cragun et al. discloses a presentation control mechanism that gives the user more control over the presentation of a web page. Cragun et al. teaches the user can setup or change the presentation attributes of each individual presentation item, or the user can specify a global attributes settings (default setting) for web browser that is applied to all presentation items until changed by the user (column 7, lines 22-25; Fig 4).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include *presentation format and behavior* information along with the client state information in the message that the client sends to the server. The motivation for doing so would have been that the server would have information

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concerning the client's computer, as well as the web page being requested without having to send the server multiple messages, which would speed up the process of displaying the new HTML page.

Therefore, it would have been obvious to combine Cragun et al. with Guedalia for the benefit of *the first web page and the second web page having similar presentation format and behavior*, to obtain the invention as specified in the claims.

9. Claims 6-9, 15-18, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guedalia (Patent Number: 6,121,970; Patent Date: Sep. 19, 2000) in view of Applicant Admitted Prior Art ('AAPA'), and further in view of Percival (Pub. Number: US 2004/0039795 A1; Pub. Date: Feb 26, 2004; Filing Date: Apr. 25, 2001).

With regard to dependent claims 6-9, 15-18, and 24-27, Guedalia does not disclose expressly a method, one or more computer programs, or an article of manufacture comprising at least one setting selected from the group of a graphic setting, a style sheet setting, and a type setting; a method, one or more computer programs, or an article of manufacture requesting a properties file, and at least one setting is specified in the properties file; a method, one or more computer programs, or an article of manufacture wherein at least one setting comprising a print enable setting to cause a print button to be displayed to allow the second set of data to be printed.

However, Percival discloses a system for generation, and maintenance of web pages containing user updateable variable content in web pages. More particularly, Percival invention relates to the customization of the appearance, structure, and variable content of the web page by the user (section 0001, lines 1-6). Percival teaches prior to the user creating the web page(s), the user provides parameters, which describes the web site type, and a few personal parameters. These parameters are stored in a file (*properties file*), which become default parameters for a particular web

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site (section 0010, lines 2-5, section 0012, section 0013). The web site is defined using the default parameters. Using the broadest interpretation of "default parameters to define a web site", the examiner concludes that these parameters includes the *type setting, graphics, and style sheet setting*, which includes a print enable setting for displaying a print button.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a property file with at least one setting from the group of a graphic setting, a style sheet setting, and a type setting. The motivation for doing so would have been to ensure that all web pages generated from this system would have a similar *presentation format and behavior*, as the would be using the same default setting.

Therefore, it would have been obvious to combine Percival with Guedalia for the benefit of establishing a file of default settings for developing web pages, to obtain the invention as specified in the claims.

Response to Arguments

10. Applicant's arguments filed 14 Feb. 2006 have been fully considered but they are not persuasive.

The Examiner responds to Applicants argument regarding independent claims 1, 10, and 19 as follows:

Applicant argues in the Guedalia patent, a user at a browser is interacting with a single web application, and not first and second web application. Applicant further argues the Guedalia patent discloses a browser and a server, that is, a single application, that digital images and sub-regions of digital images. However, the examiner interprets that the claim limitation "second application" as operating on the same computer as the first application, as consistent with the description in the Applicant's specification (see specification, page 7, last paragraph, "*The first web application, the browser and the second web application may be on the same computer.*").

Applicant argues, the client state information of the Guedalia patent is different from the at least one setting of the claim invention wherein the at least one setting controls, at least in part, at least one of the second presentation format and the second behavior. Guedalia does not limit the client state information to information only relating

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to the view window (column 4, lines 57-59). Using the broadest interpretation of this, the examiner concludes that the client state information could also include information describing presentation format and behavior of the new (*second*) HTML page being requested. Applicant argues the examiner interpretation/conclusion that the client state information could have included presentation format and behavior information as impermissible hindsight. The examiner does not find this argument persuasive because the examiner believes at the time of the invention it would have been obvious to a person of ordinary skill in the art that when sending/requesting an information message to/from one application to another application, a single information message would typically include various information (i.e. presentation format and behavior information) for the benefit of using processing resources as efficiently as possible.

In response to Applicant's argument regarding the respective dependent claims of independent claims 1, 10, and 19, the Examiner respectfully disagree with the Applicant's argument and the rejection remains for the reason mentioned above.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW
EXAMINER
ART UNIT 2176

A handwritten signature in black ink, appearing to read 'D. Hutton', with a stylized flourish at the end.

DOUG HUTTON
PRIMARY EXAMINER
TECH CENTER 2100